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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,701	04/21/2004	Kazuro Okuzawa	MAT-8173US1	5384
23122	7590	02/23/2007	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980				DABNEY, PHYLESHA LARVINIA
ART UNIT		PAPER NUMBER		
		2614		
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	02/23/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/828,701	OKUZAWA ET AL.
	Examiner	Art Unit
	Phylesha L. Dabney	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 February 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 and 8-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

This action is in response to the Appeal Brief filed on 02 February 2007 in which claims 1-3 and 8-10 are pending, and claims 4-7 were cancelled.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3 and 8-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification fails to teach *the crept out portion of the adhesive seals a gap between the magnet and the coil as newly cited*. As per sections (U.S Publication 2004/0194285; paragraph 0046 and 0072), the gaps, voids, and cracks are pertaining to the area between the magnet and the frame, and not the magnet and the coil.

Furthermore, in light of this defined meaning, the below 35 USC 103 rejections are being maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sone (U.S. Patent No. 5,432,758), in view of Ikeda (EP 0 016 984 A1).

Regarding claims 1 and 8, Sone teaches a manufactured electro-acoustic transducer comprising the steps of: providing a frame (4, 40); forming an adhesive layer on the frame (col. 5 lines 37-39); forming a frame-magnet laminate by disposing a magnet (26, col. 5 lines 37-39) on the frame with the adhesive layer in between; and disposing a diaphragm (30) above said magnet.

Sone does not specifically teach the adhesive material used to attach the electrical components, i.e. magnet, heatsinks, etc.

Ikeda teaches using UV and heat curing adhesive to bond/attach via applying the adhesive to the surfaces, using UV light (page 6 lines 1-25) to cure crept out adhesive to secure components to the frame/board, and applying a secondary curing system, such as heat, for curing areas of the adhesive where the UV missed (page 6 line 25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a heat and UV curing adhesive for quick setting and insuring complete cure in the assembly process.

Regarding claims 2 and 9, the combination teaches a case (28) is integrally molded with the frame (4), further comprising a step of bonding a resonance case (2) to the case integrally molded with the frame.

Regarding claims 3 and 10, the combination teaches the resonance case (2) is provided with a sound hole (fig. 1).

2. Claims 1-3 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sone (U.S. Patent No. 5,432,758), in view of Information Disclosure Statement dated 27 July 2006 Submission (Bayer et al, WO 98/34992; English equivalent 6,200,408).

Regarding claims 1 and 8, Sone teaches a manufactured electro-acoustic transducer comprising the steps of: providing a frame (4, 40); forming an adhesive layer on the frame (col. 5 lines 37-39); forming a frame-magnet laminate by disposing a magnet (26, col. 5 lines 37-39) on the frame with the adhesive layer in between; and disposing a diaphragm (30) above said magnet.

Sone does not specifically teach the adhesive material used to attach the electrical components, i.e. magnet, heatsinks, etc.

Bayer teaches using UV and heat curing adhesive to bond/attach via applying the adhesive to the surfaces, using UV light (abstract; see also col. 2 line 52 through col. 3 line 5 of patent 6,200,408) to cure crept out adhesive to secure components to the frame/board, and applying a secondary curing system, such as heat, for curing areas of the adhesive where the UV missed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to use a heat and UV curing adhesive for quick setting and insuring complete cure in the assembly process.

Regarding claims 2 and 9, the combination teaches a case (28) is integrally molded with the frame (4), further comprising a step of bonding a resonance case (2) to the case integrally molded with the frame.

Regarding claims 3 and 10, the combination teaches the resonance case (2) is provided with a sound hole (fig. 1).

Response to Arguments

Applicant's arguments filed have been fully considered but they are not persuasive.

With respect to the Applicant newly amended limitations, the specification does not support the language claimed (see 112 1st rejection above).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494. The examiner can normally be reached on Mondays, Tuesdays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P O Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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